



Connell Foley LLP
56 Livingston Avenue
Roseland, NJ 07068
P 973.535.0500 F 973.535.9217

Patricia A. Lee
Partner
Direct Dial 973.840.2444
PLee@connellfoley.com

June 12, 2018

VIA ELECTRONIC FILING

Honorable Tonianne J. Bongiovanni, U.S.M.J.
U.S. District Court, District of New Jersey
Clarkson S. Fisher Federal Building
and U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

**Re: *ANJC v. Aetna, Inc.*
Case No. 3:09-cv-3761 (BRM) (TJB)**

***Tri3 Enterprises, LLC v. Aetna, Inc.*
Case No. 3:11-cv-3921 (BRM) (TJB)**

***Lutz Surgical Partners PLLC, v. Aetna Inc., et al.*
Case No. 3:15-cv-02595 (BRM) (TJB)**

Dear Judge Bongiovanni:

Our firm, together with Gibson, Dunn & Crutcher LLP, represents the Aetna Defendants in connection with the above-referenced matters. We write with consent of counsel for the Plaintiffs to provide the Court with a status update in this matter in advance of the teleconference scheduled for tomorrow, June 13, 2018, at 4:00 p.m.

Since the parties' appearance before Your Honor at the settlement conference held on May 31, 2018, the parties have continued discussion regarding a global resolution of the *Lutz Surgical*, *ANJC* and *Tri3* cases on an individual basis, with some positive progress. The two-week window since the May 31 conference, however, did not provide enough time for the parties to assess fully their positions with respect to individual claim settlement values for each of the provider plaintiffs across the three cases. The parties have fashioned a plan to exchange more detailed position statements on each of the provider plaintiffs over the course of the next week, and believe that an additional thirty (30) days would be necessary and beneficial to make those exchanges and to engage in meaningful discussions about the competing positions. The parties expect they will be in a position by the end of this 30-day period to know whether the

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cases can settle at this stage. At the same time, the parties, will be assessing what discovery and motion practice will be needed in each of the three cases in the event they are not resolved.

In light of the foregoing, the parties jointly and respectfully request that the Court grant an abeyance of the entry of case management deadlines in the *Lutz Surgical*, *ANJC* and *Tri3* cases for an additional 30-days to allow for continued settlement discussions. If this proposal meets with Your Honor's approval, the parties also jointly and respectfully request that tomorrow's call be adjourned until the middle of next month. In the event that Your Honor wishes to discuss further this status report, the parties are ready and available to participate on the teleconference tomorrow as scheduled.

As always, we appreciate Your Honor's courtesies in this matter.

Respectfully submitted,

CONNELL FOLEY LLP

s/ Patricia A. Lee

Patricia A. Lee

cc: All Counsel of Record (via ECF)